

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| LAURA FUJISAWA, et al.   | ) | No. C07-5642 BZ                    |
|                          | ) |                                    |
| Plaintiff(s),            | ) | Related Cases: C07-3431 BZ         |
|                          | ) | C08-4118 BZ                        |
| v.                       | ) | C09-2016 BZ                        |
|                          | ) |                                    |
| COMPASS VISION, INC., et | ) |                                    |
| al.,                     | ) |                                    |
|                          | ) | <b>SUPPLEMENTAL PRETRIAL ORDER</b> |
|                          | ) |                                    |
| Defendant(s).            | ) |                                    |
|                          | ) |                                    |
| _____                    | ) |                                    |

Having reviewed the recent filings, the Court supplements its final pretrial order in the following respects:

1. The Court intends to limit the total time of trial to 51 hours with each party tentatively having 17 hours to put on testimony, both direct and cross-examination, assuming Compass satisfies me that it needs this much time.

2. The Court proposes to consolidate this case with the cases of the other plaintiffs in this case and related cases Wilson v. Compass Vision, Inc., C07-3431 BZ; Garlick v. Compass Vision, Inc., C08-4118 BZ; Byrum v. Compass Vision,

1 Inc., C09-2016 BZ, for the limited purpose of trying the  
2 following issues:

3 (1) Did Compass Vision negligently promote the use  
4 of EtG testing as a method of detecting alcohol  
5 abuse to the California Board of Pharmacy.

6 (2) Did National negligently promote the use of EtG  
7 testing as a method of detecting alcohol abuse to  
8 the California Board of Pharmacy.

9 (3) Did Compass Vision negligently advise the  
10 California Board of Pharmacy to initially establish  
11 250 Ng/mL as the cutoff for declaring an EtG test  
12 positive.

13 (4) Did National negligently advise the California  
14 Board of Pharmacy to initially establish  
15 250 Ng/mL as the cutoff for declaring an EtG test  
16 positive.

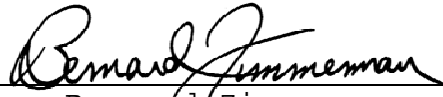
17 (5) After the SAMSHA September 2006 advisory was  
18 promulgated, was Compass Vision negligent in  
19 recommending that the California Board of Pharmacy  
20 continue to rely on EtG testing.

21 (6) After the SAMSHA September 2006 advisory was  
22 promulgated, was National negligent in recommending  
23 that the California Board of Pharmacy continue to  
24 rely on EtG testing.

25 The Court intends to include these issues in the special  
26 verdict. Any objections to the phrasing of these issues, or  
27 any requests to include additional issues, shall be filed by  
28 **noon on November 23, 2010.**

1 The parties are **ORDERED** to appear for trial at **8:00 a.m.**  
2 **on November 29, 2010** to address these issues and any  
3 remaining expert witnesses issues. The parties are directed  
4 to expedite expert testimony by stipulating to their  
5 qualifications where possible and generally minimizing the  
6 amount of time spent on their qualifications.

7 Dated: November 18, 2010

8 

9 Bernard Zimmerman  
United States Magistrate Judge

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